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December 14, 2020

Via ECF

Hon. Richard M. Berman
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Türkiye Halk Bankası A.Ş.*, S6 15 Cr. 867 (RMB)

Dear Judge Berman:

We submit this reply in support of our motion to compel (EFC No. 691). Notably, the government does not explain why it took so long to produce this basic information. Instead, the government compliments itself for complying with its discovery obligations without addressing the fact that it failed to do so until the defense moved to compel. Defense counsel is still analyzing the produced information to determine if the government has in fact met its obligations.

The government's unrelated discussion of other discovery is just as problematic. For example, the government's description of its efforts to obtain additional discovery from Treasury fails to explain why to date it has only produced *ten documents* from Treasury. Nor does the government justify why it has failed for months to disclose to the defense what searches are being done at Treasury—not even simple information such as what custodians are being searched for what information. Were the government actually to disclose this information, the defense could bring any discovery disputes (if there are in fact any) to the Court now rather than waiting for months until after the government has completed the search. Instead, the government merely claims that it is searching Treasury files without explaining when it even expects to complete its undescribed process.

There are a number of other discovery issues that we are attempting to resolve with the government during these challenging times. For example, we have been requesting *Brady* information for several months. After initially claiming that it was not aware of any *Brady* information whatsoever, the government four days ago sent us a lengthy letter addressing *Brady* that by-and-large merely recited evidence favorable to the defense elicited during the *Atilla* trial.

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The government's letter did not meaningfully address whether there is information outside the *Atilla* trial favorable to the defense.

Defense counsel shall continue to attempt to work with the government during these extraordinary times to address the outstanding discovery issues. We write today to advise the Court that we should not have had to wait so long for the data. The government's delays are perhaps understandable during a global pandemic, but we do not agree with the government's rosy assessment of the state of discovery in this case. It is taking far too long for the government to meet its obligations.

Respectfully,

/S Robert M. Cary

Robert M. Cary

cc: Counsel of record